

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4151 of 2016

Narayan Prasad Dubey, S/o. Laxman Prasad Dubey, aged about 24 years, R/o. Rambhantha, P.S. Dabhra, Tahsil – Dabhra, Civil and Revenue District – Janjgir -Champa (C.G.)

---- Applicant

Versus

State Of Chhattisgarh, Through : the Station House Officer, Police Station-Dabhra, District – Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Kamal Kishore Patel, Advocate

For Respondent : Mr. Satish Gupta, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27.07.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.35/2015, registered at Police Station- Dabhra, District – Janjgir-Champa (C.G.) for the offence punishable under Section 376 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by the prosecutrix that in April, 2014 while she went to village Rambhag, met the applicant and thereafter love relation developed and on the pretext of marriage, the applicant has committed sexual intercourse. Subsequently, the prosecutrix remained in the company of the applicant at Village-Kharsiya. Subsequently, when the marriage was not performed, the report was made.
3. Learned counsel for the applicant would submit that the prosecutrix is major girl and she was in love relation with the applicant and with the consent of the prosecutrix, sexual relation was developed, as

such allegation of rape can not be attributed, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties.
6. Perused the statement of the prosecutrix recorded under Section 161 and 164 of Cr.P.C. Considering the statement under Section 161 and 164 of Cr.P.C., without any further observation on merits, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge